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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/685,274	10/09/2000	Eric Sean Parham	066303.0169	4448

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EXAMINER

LEVITAN, DMITRY

ART UNIT	PAPER NUMBER
2662	

DATE MAILED: 08/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/685,274	PARHAM ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Dmitry Levitan	2662	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 29 June 2005.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Response to Amendment***

1. In view of the appeal brief filed on 06/29/05, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

***Claim Rejections - 35 USC § 112***

1. Claims 3, 9-11 and 14-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 3, it is unclear what is meant by “provide the signaling information in a media gateway and call session control format to a class 5 softswitch”, because class 5 softswitch is neither defined in the specification nor a well known in the art; signaling information in a media gateway and call session control format to a class 5 softswitch is neither defined in the specification nor a well known in the art.

In claim 9, it is unclear what is meant by “class 5 softswitch operable to receive signaling information in a network signaling format”, because class 5 softswitch is neither defined in the specification nor a well known in the art; network signaling format to a class 5 softswitch is neither defined in the specification nor a well known in the art.

In claim 11, it is unclear what is meant by “Class 5 softswitch operable to convert the media gateway and call session control format to the network signaling format”, because class 5 softswitch is neither defined in the specification nor a well known in the art.

In claim 14, “receiving signaling information and instructions from a class 5 switch”, because class 5 softswitch is neither defined in the specification nor a well known in the art; network signaling format to a class 5 softswitch is neither defined in the specification nor a well known in the art.

### ***Claim Rejections - 35 USC § 103***

2. Claims 1- 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smyk (US 6,603,760) in view of DSL forum TR-036 (August 28<sup>th</sup>, 2000).

3. Regarding claims 1, 2, 5, 6, 14-16, Smyk teaches:

a system and a method for interfacing between signaling protocols (Fig. 4 and 3:49-62), comprising:

A gateway (access gateway 408 on Fig. 4 and 6:10-47, wherein the access gateway utilizes xDSL technology and includes an xDSL modem as shown on Fig. 1 and 1:40-50) operable to receive signaling information in a media gateway and call session control format (receiving signaling information using MGCP or H.248 standard 9:20-30 and 8:21-23), the gateway operable to convert the media gateway and call session format to a loop emulation service

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signaling protocol (converting MGCP protocol into signaling of class 5 switch 9:26-30 to emulate class 5 features for users 420 connected to the gateway 408 as shown on Fig. 4), the gateway operable to provide tone generation (providing a dial tone 8:28-35) and additional detecting capabilities pursuant to the signaling information (collecting the dialed digits 8:36-47).

Smyk does not teach using broadband loop emulation service standard at the gateway, as specified in claims 1 and 14.

DSL forum TR-036 teach using broadband loop emulation service standard/BLES (Annex A: BLES, pages 24-27)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to add using broadband loop emulation service standard/BLES to the gateway in the system of Smyk to make the system compatible with other elements of the network utilizing BLES standard.

In addition regarding claim 2, Smyk teaches the gateway converting the broadband loop emulation service signaling protocol into media gateway and call session control format (access gateway 408 converting class 5 signaling into MGCP signaling by converting traditional phones 420 signaling, utilizing class 5 features 8:8-13 into MGCP messages 8:13-24).

Regarding claim 3, Smyk teaches the gateway providing the signaling information in a media gateway and call session control format to a class 5 switch (providing class 5 switch features to NGN users 3:49-62).

Regarding claims 9-11, Smyk teaches a class 5 switch (EO 418 and STP 426 on Fig. 4 5:1-4 and 8:56-58), receiving signaling information in SS7 format (signaling system 7 messages 8:56-67), converting it to media gateway and call session control format and vice versa

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(inherently part of the system because SM operates in media gateway and call session control format and operates with class 5 switch) and controlling incoming call requests from a network through the gateway according to the signaling information (call origination and disconnection by access gateway 408 8:60-67).

4. Regarding claims 12, 13, 19 and 20, broadband loop emulation service signaling/BLES standard TR-036 teaches channel associated signaling format and common channel signaling standard (A.1.3.2 BLES signaling using channel associated signaling format and common channel signaling, page 27).

Regarding claim 18, broadband loop emulation service signaling/BLES standard TR-036 teaches providing the broadband loop emulation service signaling protocol to an integrated access device at the customer premises (A1 BLES reference model, providing IW functions to an integrated access device at the customer premises, page 24).

5. Regarding claims 4, 7, 8 and 17, Smyk and TR-036 teach all the limitations of parent claims 1 and 14.

Smyk does not teach using SGCP, SIP, and H.323 as media gateway and call session control formats, as specified in claims 4, 7, 8 and 17.

Official notice is taken that using SGCP, SIP, and H.323 as media gateway and call session control formats is well known and expected in the art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to add using SGCP, SIP, H.323 as media gateway and call session control formats to the system of Smyk to improve the system compatibility with widely used standards.

*Response to Arguments*

6. Applicant's arguments, see Brief, filed 06/29/05, with respect to the rejection(s) of claim(s) 1-20, regarding BLES indefiniteness, have been fully considered and a new search produced BLES disclosure in DSL Forum TR-036, dated 8/28/00. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of DSL Forum TR-036, dated 8/28/00.

On page 5 of the Brief, Applicant argues that the term "Class 5 softswitch" was defined in article "TalkingNets to implement telecom technologies".

Examiner respectfully disagrees.

The Article does not teach Class 5 softswitch, but discuss soft switches as an alternative to class 5 switches and contain no in-depth information on the Class 5 softswitch implementation.

On page 5 of the Brief, Applicant argues that the term "Class 5 softswitch" was defined on page 2 lines 6-11 of the specification.

Examiner respectfully disagrees.

The quoted portion of the specification only states that Class 5 softswitch is a workstation implementation of Class 5 switch and contain no in-depth information about the implementation.

On page 5 of the Brief, Applicant argues that claim 9 limitation, "Class 5 softswitch operable to receive signaling information in a network signaling format" is explained by example of the SS7 as a network signaling format.

Examiner respectfully disagrees.

Application does not provide sufficient information on operation of Class 5 softswitch, stating only that it is a workstation implementation of Class 5 switch, and does not disclose format of SS7 messages, compatible with a workstation implementation of Class 5 switch.

Format of SS7 messages operating with Class 5 switch is well known, but the format of the SS7 messages operating with Class 5 softswitch is not.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dmitry Levitan whose telephone number is (571) 272-3093. The examiner can normally be reached on 8:30 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on (571) 272-3088. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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07/19/05



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